

DOUGLAS N. LETTER
GENERAL COUNSEL

TODD B. TATELMAN
DEPUTY GENERAL COUNSEL

KIMBERLY HAMM
ASSOCIATE GENERAL COUNSEL

MEGAN BARBERO
ASSOCIATE GENERAL COUNSEL

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF GENERAL COUNSEL

219 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6532
(202) 225-9700
FAX: (202) 226-1361

KRISTIN A. SHAPIRO
ASSISTANT GENERAL COUNSEL

BROOKS M. HANNER
ASSISTANT GENERAL COUNSEL

SARAH E. CLOUSE
ATTORNEY

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

March 22,

U.S.D.J. 3/26/2019

VIA EMAIL (BroderickNYSDChambers@nysd.uscourts.gov)

The Honorable Vernon S. Broderick
United States District Judge, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *United States v. Collins*, No. 1:18-cr-567-VSB (S.D.N.Y.)

Dear Judge Broderick:

I write on behalf of the United States House of Representatives (“House”) regarding issues raised in the February 8, 2019 motion of Defendant, Representative Christopher Collins, and the March 8, 2019 response of the United States Attorney’s Office for the Southern District of New York, specifically those related to the Speech or Debate Clause, U.S. Const. art. I § 6, cl. 1. The House has a strong institutional interest in the proper application of the Speech or Debate Clause, as well as legal issues related to congressional documents and information. The House has, therefore, as *amicus curiae* with leave of court, presented its expert views in numerous other federal cases, including criminal cases, implicating these issues.¹

The decision whether or not to seek leave to present the House’s *amicus* views on these issues is currently under consideration by the Bipartisan Legal Advisory Group of the United States House of Representatives (“BLAG”), which “speaks for, and articulates the institutional

¹ See, e.g., *United States v. Schock*, Nos. 17-3277 & 17-3393 (7th Cir. filed Nov. 1, 2017 & Nov. 21, 2017); *In re Search of Elec. Commc’ns in the Account of chakafattah@gmail.com at Internet Serv. Provider Google, Inc.*, 802 F.3d 516 (3d Cir. 2015); *United States v. Renzi*, 769 F.3d 731 (9th Cir. 2014); *United States v. Verrusio*, 762 F.3d 1 (D.C. Cir. 2013); *United States v. Renzi*, 651 F.3d 1012 (9th Cir. 2011); *In re Grand Jury Subpoenas*, 571 F.3d 1200 (D.C. Cir. 2009); *In re Search of Rayburn House Bldg.*, 432 F. Supp. 2d 100 (D.D.C. 2006), *rev’d sub nom.*, *United States v. Rayburn House Office Bldg.*, 497 F.3d 654 (D.C. Cir. 2007); *Fields v. Office of Eddie Bernice Johnson*, 459 F.3d 1 (D.C. Cir. 2006) (en banc); *Beverly Enters., Inc. v. Trump*, 182 F.3d 183 (3d Cir. 1999); *United States v. McDade*, 28 F.3d 283 (3d Cir. 1994); *United States v. Swindall*, 971 F.2d 1531 (11th Cir. 1992); *United States v. Biaggi*, 853 F.2d 89 (2d Cir. 1988); *United States v. Renzi*, 686 F. Supp. 2d 956 (D. Ariz. 2010).

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position of, the House in all litigation matters.” Rule II.8(b), Rules of the U.S. House of Representatives, 116th Cong. (2019). BLAG is currently composed of the Honorable Nancy Pelosi, Speaker; the Honorable Steny Hoyer, Majority Leader; the Honorable James Clyburn, Majority Whip; the Honorable Kevin McCarthy, Republican Leader; and the Honorable Steve Scalise, Republican Whip. The Office of General Counsel, which represents the House in court in litigation matters, is consulting with BLAG to make a final determination.

The House expects to decide whether to seek this Court’s leave to participate as *amicus curiae* by **Tuesday, March 26, 2019**, which will allow more time for consultation, including two days next week when the House will be in session. The House will notify the Court in writing by that date if it decides to present its position on these matters to the Court. In that instance, to prevent any undue delay in the briefing schedule, the House intends to file its motion for leave to appear as *amicus curiae*, with the *amicus curiae* brief included, no later than **Tuesday, April 2, 2019**.

In accordance with the Court’s procedure, the House also requests permission as an interested party to electronically file, via the ECF system, this letter and any subsequent documents in this case.²

Thank you for your consideration.

Sincerely,



Douglas N. Letter
General Counsel

cc: Jonathan R. Barr, jbarr@bakerlaw.com; Jonathan A. Forman, jforman@bakerlaw.com; Jonathan B. New, jnew@bakerlaw.com; Kendall E. Wangsgard, kwangsgard@bakerlaw.com; Patrick S. Brown, pbrown@crowell.com; Rebecca M. Ricigliano, rricigliano@crowell.com; Thomas A. Hanusik, thanusik@crowell.com; Mauro M. Wolfe, mmwolfe@duanemorris.com; Amanda Bassen, abassen@duanemorris.com; Jovalin Dedaj, jdedaj@duanemorris.com; A.

² Attorneys for the Office of General Counsel are “entitled, for the purpose of performing counsel’s functions, to enter an appearance in any proceeding before any court of the United States...without compliance with any requirements for admission to practice before such court.” 2 U.S.C. § 5571(a).

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Damian Williams, damianwilliams@usdoj.gov; Max C. Nicholas, max.nicholas@usdoj.gov;
Robert W. Allen, robert.allen@usdoj.gov; Scott A. Hartman, scott.hartman@usdoj.gov